

REMARKS

Applicants respectfully request reconsideration of the present application in view of this response. Claims 5-8 and 10-19 are currently pending in connection with the present application. Of those, claim 19 has been added by way of this response.

WITHDRAWAL OF PREVIOUS REJECTIONS

Applicants acknowledge the Examiner's withdrawal of the previous rejections under 35 U.S.C. §112, first paragraph, and the prior art rejections under 35 U.S.C. §102(e) in view of Moberg (U.S. Patent No. 6,578,084).

ALLOWABLE SUBJECT MATTER

Applicants acknowledge and thank the Examiner for the indication of the allowable subject matter contained in claims 5-8, 10-12, 17, and 18.

CLAIM OBJECTIONS

Claim 16 stands objected to due to alleged informalities.

Applicants have amended claim 16, taking into account the suggestions and comments made by the Examiner on page 2 of the outstanding Office Action. Further, Applicants respectfully submit that all such amendments made to claim 16 are non-narrowing, have not

been made to overcome any prior art rejection, and have been made for no other reason than to put claim 16 more in accordance with current United States Patent and Trademark Office Practice and Procedure. Accordingly, Applicants respectfully request withdrawal of the above objection.

REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 5-8, 10-14, and 16-18 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, with regard to claim 16, the Examiner submits that the use of terms "previous communication network layer", and "subsequent communication network layer", lack proper antecedent basis and are "thus confusing". Further, the Examiner submits that "each context", lacks sufficient antecedent basis.

Although Applicants do not necessarily agree with the Examiner's rejection, Applicants have amended claim 16, taking into account the suggestions and comments made by the Examiner. Further, Applicants respectfully submit that all such amendments made to claim 16 are non-narrowing, have not been made to overcome any prior art rejection, and have been made for no other reason than to put claim 16 more in accordance with current United States Patent and Trademark Office

Practice and Procedure. Accordingly, Applicants respectfully request withdrawal of the above rejection.

PRIOR ART REJECTIONS

Rejections under 35 U.S.C. §102(e)

Claims 13-16 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Glick (U.S. Patent No. 6,507,563, hereinafter referred to as "Glick"). Applicants respectfully traverse this rejection.

On page 4 of the outstanding Office Action, it appears that the Examiner relies upon the cascade indication pointer 208 and function thereof for allegedly teaching "an address for a communication network layer" in each "layer message of a subsequent communication network layer", as set forth in claim 16. However, Applicants respectfully disagree with the Examiner's conclusion.

Fig. 2 illustrates a plurality of linked data structures 202, each of which is associated with a protocol layer. Each data structure further includes a cascade congestion flag 206, which indicates whether the associated protocol layer is ready to send a data packet to the next protocol layer. Each data structure 202 also includes a cascade indication pointer 208, which links the data structure associated with the current protocol layer to the data structure associated with the next protocol layer. More specifically, each cascade indication pointer 208 points to a data structure associated with the next protocol layer.

However, Applicants respectfully submit that Glick fails to teach or suggest including "an address of a context for a communication network layer in a layer message of a subsequent communication network layer", as now set forth in claim 16. In contrast, as discussed above, each data structure 202 associated with a current protocol layer includes a pointer (i.e., a cascade indication pointer 208) identifying a data structure associated with a next protocol layer. That is, the method disclosed by Glick is in direct opposition to that of the claimed invention. Instead of including an address "for a communication network layer" in each "layer message of a subsequent communication network layer", the cascade indication pointer of a next (subsequent) network layer is included in a current network layer.

Accordingly, Applicants respectfully submit that Glick fails to teach or suggest all of the limitations set forth in claim 16 and as such respectfully request withdrawal of the above rejection.

With regard to claim 15, on page 5 of the outstanding Office Action it appears the Examiner relies upon the congestion flag 206 (of Glick) for allegedly teaching "variables and methods for the associated communications network layer", as set forth in claim 15. However, Applicants respectfully disagree with the Examiner's conclusion.

Again referring to FIG. 2 (of Glick), the congestion flag 206 is a portion of the data structure 202, which indicates the current congestion status of an associated protocol. That is, namely, the

congestion flag 206 indicates whether the associated protocol is able to transmit data.

However, Applicants respectfully submit that Glick fails to teach or suggest "variables and methods for the associated communications network layer", as set forth in claim 15. Instead, at most, the congestion flag 206 merely indicates a data transmission status of a protocol, which is in no way indicative of any "variables" or "methods" for an associated communications network layer.

Accordingly, Applicants respectfully submit that Glick fails to teach or suggest all of the limitations set forth in claim 15, and as such respectfully request withdrawal of the above rejection.

Further, with regard to claims 12-14, Applicants respectfully submit that these dependent claims are also allowable for at least the reasons set forth above with regard to independent claims 15 and 16 from which they depend.

In view of the above, Applicants respectfully request withdrawal of all of the above rejections.

CONCLUSION

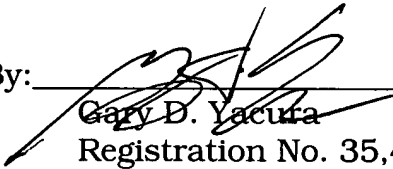
In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Gary Yacura at (703) 668-8023 in the Washington, D.C. area, to discuss the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By: _____


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